IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kazuyoshi ARAI et al.

Group Art Unit : 1751

Appl. No. : 09/554,617

Examiner : Douyon

Filed : August 23, 2000

For : PRODUCTION METHOD OF DETERGENT AND PRODUCING APPARATUS

ELECTION WITH TRAVERSE

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

This is in response to the Requirement for Restriction under 35 U.S.C. §121 and §372 mailed from the U.S. Patent and Trademark Office on March 19, 2002, which sets a one month shortened statutory period for response until April 19, 2002.

Applicants note that this response is being filed by the initial due date for response, whereby an extension of time should not be necessary to maintain the pendency of the application. However, if any extensions of time are required and/or any other fees are necessary to maintain the pendency of this application, this is an express request for any required extension of time, and authorization for the Commissioner to charge any necessary fee, including any required extension of time fee, to Deposit Account No. 19-0089.

Reconsideration and withdrawal of the requirement for restriction are respectfully

requested in view of the remarks which follow:

DISCUSSION OF RESTRICTION REQUIREMENT

Restriction to one of the following inventions is required under 35 U.S.C. §121 and §372:

I claims 1-16, drawn to a method of producing detergent, classified in class 205, subclass 687;

II claims 17-20, 25 and 26, drawn to a detergent producing apparatus and a washing machine or a dish washer provided with the detergent producing apparatus, classified in class 204, subclass 275.1; and

III claims 21-24, 27 and 28, drawn to a washing machine, classified in class 134, subclass 94.1.

ELECTION

In order to be responsive to the requirement for restriction, Applicants elect the invention set forth in Group I, claims 1-16, with traverse.

For the reasons set forth below, Applicants submit that the restriction requirement is improper, and should be withdrawn, whereby an action on the merits of all of the pending claims is warranted.

TRAVERSE

Notwithstanding the election of the claims of Group I in order to be responsive to the

requirement for restriction, Applicants respectfully traverse the requirement.

MPEP §1850 provides that when the PTO considers international applications during the national stage under 35 U.S.C. §371, PCT Rules 13.1 and 13.2 will be followed when considering the unity of invention of claims of different categories without regard to the practice in national applications filed under 35 U.S.C. §111. According to PCT Rule 13.2, unity of invention exists when there is a technical relationship among the claimed inventions involving one or more technical features. Under 37 C.F.R. § 1.475:

> (a) An international and a national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention"). Where a group of inventions is claimed in an application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

In the present case, the Examiner's basis for lack of unity of invention is respectfully traversed. The recitations of " first supply means," "third supply means," "washing tub" and "means for supplying detergent" of Group II are not the special technical features of the present invention upon which Applicants are relying for unity of invention.

M.P.E.P. Rule 1893.03(d) specifically states that "when making a lack of unity of invention requirement, the Examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general

inventive concept) specifically describing the unique special technical feature in each group." However, merely noting that a particular technical feature is not common to claim groups does not establish that unity of invention is lacking.

The Restriction Requirement clearly does not comply with M.P.E.P. Rule 1893.03(d) and PCT Rules 13.1 and 13.2. For these reasons, the Requirement for Election of Species is improper and should be withdrawn.

Furthermore, Applicants respectfully point out that the restriction should be withdrawn because there is no serious search burden. In MPEP Chapter 800, the Office sets forth its policy by which examiners are guided in requiring restriction under 35 U.S.C. §121. Section 803 states that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." As a practical matter, the searches for the Groups should significantly overlap. Thus, the search burden would not be serious.

CONCLUSION

For the reasons discussed above, it is respectfully submitted that the requirement for restriction is improper because the Examiner has not explained why each group lacks unity with each other group.

Withdrawal of the requirement for the restriction with examination of all pending

claims, i.e., claims 1-28, is respectfully requested.

Favorable consideration with early allowance of claims 1-28 is most earnestly requested.

If the Examiner has any questions, or wishes to discuss this matter, the Examiner is requested to call the undersigned at the telephone number indicated below.

Respectfully submitted,
Kazuyoshi ARAI et al.

_____

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April 19, 2002
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Attorney Docket No. P19547

In re application of Kazuyoshi ARAI et al.

Box Non-Fee

Serial No. 09/554,617 Group Art Unit : 1751

Filed August 23, 2000 Examiner : DOUYON

For . PRODUCTION METHOD OF DETERGENT AND PRODUCING APPARATUS

THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Sir:

Transmitted herewith is an Election with Traverse in the above-captioned application.

___ Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a verified statement previously filed.
___ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.
___ An Information Disclosure Statement, PTO Form 1449, and references cited.
_X_ No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 28	*28	0	x 9=	$	x 18=	$0.00
Indep. Claims: 5	**5	0	x 42=	$	x 84=	$0.00
Multiple Dependent Claims Presented			+140=	$	+280=	$0.00
Extension Fees for Month				$		$0.00
			Total:	$	Total:	$0.00

*If less than 20, write 20
**If less than 3, write 3

___ Please charge my Deposit Account No. 19-0089 in the amount of $_____.
_X_ A Check in the amount of $_____ to cover the filing/extension fee is included.
_X_ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.
_X_ Any additional filing fees required under 37 C.F.R. 1.16.
_X_ Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 CFR 1.136)(a)(3).

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